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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/080,671	02/25/2002	Charles Edward Anderson IV	1875.1990000	8173

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STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.
1100 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

EXAMINER

PATEL, CHIRAG R

ART UNIT	PAPER NUMBER
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2454

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07/19/2011

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/080,671	ANDERSON, CHARLES EDWARD	
	Examiner	Art Unit	
	CHIRAG PATEL	2454	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 May 2011.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114 was filed in this application after a decision by the Board of Patent Appeals and Interferences, but before the filing of a Notice of Appeal to the Court of Appeals for the Federal Circuit or the commencement of a civil action. Since this application is eligible for continued examination under 37 CFR 1.114 and the fee set forth in 37 CFR 1.17(e) has been timely paid, the appeal has been withdrawn pursuant to 37 CFR 1.114 and prosecution in this application has been reopened pursuant to 37 CFR 1.114. Applicant's submission filed on May 31, 2011 has been entered.

Claim Objections

Claim 22 is objected to because of the following informalities: Claim 22 recites, "frequently accessed domain names, in a form addressed for delivery to a network gateway, to the network gateway configured" Examiner suggest moving the underlined portions "to the network gateway" as it appears twice in the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, 7-14, 16-25, 27-33, 35-40, and 42-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel (US 6,041,360) in view of Strentzsch et al. – hereinafter Strentzsch (US 6,256,671)

As per claim 1, Himmel discloses a method comprising:

(a) searching files in a memory of a customer premises equipment to identify the frequently accessed domain names; and ((Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite page and an associated descriptive text string which describes the web page in such a way to be easily recognized by the user, Col 18 lines 17-30; Fig. 13, Fig. 1: items 49-51)

(b) providing the frequently accessed domain names to the a communication interface (Col 4 lines 43-53; Col 18 lines 19-32 Fig. 1: item 40) in a form addressed for delivery to a network gateway (Col 5 line 66-Col 6 line 16; or "Uniform Resource Locator" is defined in RFC 1945, which is incorporated herein by reference. As is well known, the URL is typically of the format: http://somehost/somedirectory?parameters . . . " where "somehost" is the hostname position of the URL, "somedirectory" is a directory in which the web page may be found.)

wherein the files in the memory comprise application data files that hold frequently accessed domain names. (Col 18 lines 17-30; Figure 1: items 49-51)

Himmel fails to disclose the communication interface transmitting the frequently accessed domain names for transmission to the network gateway configured to cache

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the frequently accessed domain names in a domain name system cache over a communication path.

Strentzsch discloses the communication interface transmitting the frequently accessed domain names for transmission to the network gateway configured to cache the frequently accessed domain names in a domain name system cache over a communication path (Col 5 line 55 – Col 6 line 36)

At the time of invention, it would have been obvious for the network of Himmel to incorporate a DNS proxy, which caches mapping for address to identifiers as taught by Strentzsch. The combination of prior art elements would have yielded nothing more than predictable results of reducing network traffic to the DNS server and a reduction of resolution time to the requesting clients.

As per claim 2, Himmel / Strentzsch disclose the method of claim 1. Himmel discloses wherein the customer premises equipment runs an operating system, and wherein steps (a) and (b) are initiated during start-up of the operating system. (Col 4 line 54 – Col 5 line 6)

As per claim 3, Himmel / Strentzsch disclose the method of claim 1, and Himmel discloses wherein the customer premises equipment runs an operating system, and wherein steps (a) and (b) are initiated periodically by the operating system. (Col 4 line 54 – Col 5 line 6)

As per claim 4, Himmel / Strentzsch disclose the method of claim 1, and Himmel discloses wherein steps (a) and (b) occur in response to the execution of an application by a user of the customer premises equipment. (Col 5 lines 7-12)

As per claim 5, Himmel / Strentzsch disclose the method of claim 1, and Himmel discloses wherein step (a) comprises searching application data files associated with a Web browser application. (Col 9 lines 43-60)

As per claim 7, Himmel / Strentzsch disclose the method of claim 1, and Himmel discloses wherein step (b) comprises packetizing the frequently accessed domain names and providing the packetized information to the communication interface. (Col 1 lines 41-53)

As per claim 8, Himmel / Strentzsch disclose the method of claim 1, and Himmel discloses wherein step (b) comprises storing the frequently accessed domain names in a management information base and providing the management information base to the communication interface. (Col 10 lines 10-15; Figure 6A)

As per claims 9, Himmel / Strentzsch disclose the method of claim 1, and Himmel discloses wherein step (b) comprises generating a domain name system query that includes the frequently accessed domain name and providing the domain name system query to the communication interface. (Col 18 lines 17-30; Figure 13)

As per claim 10, Himmel discloses a method for selectively caching domain name system information on a network gateway that includes a cache, wherein the network gateway is attached to a customer premises equipment that includes a memory, comprising the steps of:

(a) searching files in the memory to identify a frequently accessed domain name; (Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite page and an associated descriptive text string which describes the web page in such a way to be easily recognized by the user; Col 18 lines 17-30; Fig. 13, Fig. 1: items 49-51)

wherein the files in the memory comprise application data files that hold frequently accessed domain names. (Col 18 lines 17-30; Figure 1: items 49-51)

Himmel fails to disclose (b) providing the frequently accessed domain name from the customer premises equipment to the network gateway; (c) generating, in the gateway, a domain name system query that includes the frequently accessed domain name; (d) transmitting the domain name system query from the network gateway to a network for resolution; (e) receiving, in the gateway, a response to the domain name system query from the network that includes the frequently accessed domain name and a corresponding IP address; and (f) storing the frequently accessed domain name and the corresponding IP address in the cache;

Strentzsch discloses (b) providing the frequently accessed domain name from the customer premises equipment to the network gateway; (Col 5 line 54-Col 6 line 19)

(c) generating, in the gateway, a domain name system query that includes the frequently accessed domain name; (Col 6 lines 38-56)

(d) transmitting the domain name system query from the network gateway to a network for resolution; (Col 6 lines 38-56)

(e) receiving, in the gateway, a response to the domain name system query from the network that includes the frequently accessed domain name and a corresponding IP address; and (Col 6 lines 38-56)

(f) storing the frequently accessed domain name and the corresponding IP address in the cache. (Col 5 lines 54- Col 6 line 10)

As per claim 11, please see the discussion under claim 2 as similar logic applies.

As per claim 12, please see the discussion under claim 3 as similar logic applies.

As per claim 13, please see the discussion under claim 4 as similar logic applies.

As per claims 14, 25, 33 and 40, please see the discussion under claim 5 as similar logic applies.

As per claims 16, 27, 35 and 42, please see the discussion under claim 7 as similar logic applies.

As per claims 17, 28, 36 and 43, please see the discussion under claim 8 as similar logic applies.

As per claims 18, 29, 37, and 44, please see the discussion under claim 9 as similar logic applies.

As per claim 19, Himmel / Strentzsch disclose the method of claim 10, Strentzsch discloses wherein step (c) comprises generating a domain name system query in accordance with an iterative resolution protocol. (Col 6 lines 38-56)

As per claim 20, Himmel / Strentzsch disclose the system of claim 10.
Strentzsch discloses further comprising:

(g) receiving, in the network gateway, a domain name system query from the customer premises equipment; and (Col 5 line 54-Col 6 line 19)

(h) resolving, in the network gateway, the domain name system query from the customer premises equipment using a domain name and corresponding IP address stored in the cache. (Col 6 lines 38-56)

As per claim 21, please see the discussion under claim 10 as similar logic applies.

As per claim 22, Himmel discloses a customer premises equipment comprising:
a memory configured to store files; (Fig. 1: item 24)
comprising application data files that hold frequently accessed domain names;
(Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite page and

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an associated descriptive text string which describes the web page in such a way to be easily recognized by the user, Figure 1 :items 49-51)

a communication interface configured to transmit the frequently accessed domain names, (Fig. 1: items 12, 13) in a form addressed for delivery to a network gateway. (Col 5 line 66-Col 6 line 16; or "Uniform Resource Locator" is defined in RFC 1945, which is incorporated herein by reference. As is well known, the URL is typically of the format: `http://somehost/somedirectory?parameters . . .` " where "somehost" is the hostname position of the URL, "somedirectory" is a directory in which the web page may be found.)

a processor coupled to the memory and the communication interface; (Fig. 1: item 22)

and configured to search the application data files to identify frequently accessed domain names (Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite page and an associated descriptive text string which describes the web page in such a way to be easily recognized by the user, Col 18 lines 17-30; Fig. 13, Fig. 1: items 49-51) and to provide the frequently accessed domain names to the communication interface (Col 18 lines 17-30; Fig. 1: item 40)

Himmel fails to disclose to transmit the frequently accessed domain names to the network gateway configured to cache the frequently accessed domain names in a domain name system cache;

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Strentzsch discloses to transmit the frequently accessed domain names to the network gateway configured to cache the frequently accessed domain names in a domain name system cache. (Col 5 line 54 - Col 6 line 19)

At the time of invention, it would have been obvious for the network of Himmel to incorporate a DNS proxy, which caches mapping for address to identifiers as taught by Strentzsch. The combination of prior art elements would have yielded nothing more than predictable results of reducing network traffic to the DNS server and a reduction of resolution time to the requesting clients.

As per claim 23, Himmel / Strentzsch disclose the customer premises equipment of claim 22, and Himmel discloses wherein the memory comprises a hard disk drive. (Col 4 lines 54-Col 4 line 65)

As per claim 24, Himmel / Strentzsch disclose the customer premises equipment of claim 22, and Himmel discloses wherein the communication interface is a home phoneline network interface, an Ethernet interface or a Universal Serial Bus interface. (Col 4 lines 54-65)

As per claim 30, Himmel discloses a system for selectively caching domain name system information in a network gateway, comprising:

a customer premises equipment (CPE) including a memory that stores files, (Fig. 1: item 24) a communication interface for transmitting information over a communication path, (Fig. 1: items 12, 13)

and a CPE processor coupled to the memory and the communication interface, (Fig. 1 : item 22)

wherein the CPE processor is configured to search the files to identify a frequently accessed domain name and to provide the frequently accessed domain name to the communication interface for transmission over the communication path; and (Col 6 lines 19-28; Each bookmark entry is comprised of a URL to a favorite page and an associated descriptive text string which describes the web page in such a way to be easily recognized by the user; Col 18 lines 17-30; Fig. 13)

wherein the files in the memory comprise application data files that hold frequently accessed domain names. (Col 18 lines 17-30; Figure 13)

Himmell fails to disclose a network gateway including a cache, a CPE interface for receiving information over the communication path, a network interface for transmitting information over a network, and a gateway processor coupled to the cache, the CPE interface, and the network interface, the gateway processor configured to receive the frequently accessed domain name from the communication path via the CPE interface, to generate a domain name system query that includes the frequently accessed domain name, to provide the query to the network interface for transmission to a network for resolution, to receive a response to the query from the network via the

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network interface that includes the frequently accessed domain name and a corresponding IP address, and to store the frequently accessed domain name and the corresponding IP address in the cache.

Strentzsch discloses a network gateway including a cache, (Col 5 line 54-Col 6 line 10)

a CPE interface for receiving information over the communication path, (Col 5 lines 38-53, Col 6 lines 11-19)

a network interface for transmitting information over a network, and (Col 5 lines 38-53_

a gateway processor coupled to the cache, the CPE interface, and the network interface, (Col 5 line 54-Col 6 line 10)

the gateway processor configured to receive the frequently accessed domain name from the communication path via the CPE interface, (Col 5 lines 11-19)

to generate a domain name system query that includes the frequently accessed domain name, to provide the query to the network interface for transmission to a network for resolution, to receive a response to the query from the network via the network interface that includes the frequently accessed domain name and a corresponding IP address, (Col 6 lines 19-56)

and to store the frequently accessed domain name and the corresponding IP address in the cache.(Col 5 lines 54-Col 6 line 10)

At the time of invention, it would have been obvious for the network of Himmel to incorporate a DNS proxy, which caches mapping for address to identifiers as taught by Strentzsch. The combination of prior art elements would have yielded nothing more than predictable results of reducing network traffic to the DNS server and a reduction of resolution time to the requesting clients.

As per claim 31, please see the discussion under claim 23 as similar logic applies.

As per claim 32, please see the discussion under claim 24 as similar logic applies.

As per claim 38, please see the discussion under claim 19 as similar logic applies.

As per claim 39, please see the discussion under claim 1 as similar logic applies.

As per claim 45, Himmel / Strentzsch disclose the method of claim 1, wherein the customer premises equipment comprises a personal computer. (Col 3 line 64-Col 4 line

11)

As per claims 46-50, please see the discussion under claim 45 as similar logic applies.

As per claims 51-53, please see the discussion under claim 10 as similar logic applies.

As per claims 54-56, please see the discussion under claim 30 as similar logic applies.

Claims 6, 15, 26, 34 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Himmel (US 6,041,360) / Strentzsch et al. – hereinafter Strentzsch (US 6,256,671) further in view of Gardos et al. – hereinafter Gardos (US 6,745,248)

As per claim 6, Himmel / Strentzsch disclose the method of claim 1. Himmel fails to disclose wherein step (a) comprises searching application data files associated with an electronic mail application. Gardos discloses searching application data files associated with an electronic mail application (Col 2 lines 23-33, Col 3 lines 8-30) At the time of invention, it would have been obvious for the network of Himmel which incorporates a DNS proxy by caches mapping for address to identifiers as taught by Strentzsch to search for application data files associated with an electronic mail application as taught by Gardos. The combination of the prior art elements would have yielded nothing more than predictable results of keeping track and efficiently finding all

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domain names registered to the company and to determine what name servers are used for those domain names. (Col 3 lines 42-58)

At the time of invention, it would have been obvious for the network of Himmel to incorporate a DNS proxy, which caches mapping for address to identifiers as taught by Strentzsch. The combination of prior art elements would have yielded nothing more than predictable results of reducing network traffic to the DNS server and a reduction of resolution time to the requesting clients.

As per claims 15, 26, 34, and 41, please see the discussion under claim 6 as similar logic applies.

Response to Arguments

Applicant's arguments with respect to claim 1-56 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chirag R Patel whose telephone number is (571)272-7966. The examiner can normally be reached on Monday to Friday from 8:00AM to 4:30PM. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph E. Avellino, can be reached on 571-272-3905.

The fax phone number for the organization where this application or proceeding

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is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pairedirect.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll free).

/Chirag R Patel/
Examiner, Art Unit 2454